

TEXAS TRANSPORTATION COMMISSION

MCLENNAN Counties

MINUTE ORDER

Page 1 of 1

WACO District

In MCLENNAN COUNTY, on Interstate Highway 35 from Martin Luther King Blvd. to South BU 77, the Texas Department of Transportation (department) is acquiring the right of way for a highway improvement project.

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 90th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 authorizes the executive director to approve acceptance of donations to the department and requires that donations valued at \$500 or more must be acknowledged by order of the commission not later than the 90th day after the date the donation is accepted by the department. It further prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the executive director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

The United States of America (owner) is the owner of the property described in Exhibit A, and wants to donate the property, estimated at \$3,050, to the department for construction of a highway improvement project.

The executive director found that the donation identified on the attached Exhibit A was in compliance with the provisions of 43 TAC §§1.500-1.506, Government Code, Chapter 575, Transportation Code, §201.206, and Transportation Code, §223.049. The donation agreement has been executed and accepted by the department under Title 43, Texas Administrative Code, §1.504.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified on the attached Exhibit A.

Submitted and reviewed by:


Director, Right of Way Division

Recommended by:


Executive Director

114109 OCT 30 14

Minute
Number

Date
Passed

EXHIBIT A

Page 1 of 3
December 3, 2012
Revised May 24, 2013

County: McLennan
Highway: Interstate Highway 35
Limits: From Martin Luther King Blvd. to BU 77
ROW CSJ: 0015-01-233

Property Description
For Parcel 176

BEING 0.035 OF AN ACRE OF LAND, SURVEYED BY LANDESIGN SERVICES, INC., OUT OF THE THOMAS DE LE VEGA GRANT, ABSTRACT NO. 43 IN MCLENNAN COUNTY, TEXAS AND BEING PART LOTS 13, 14 AND 2, BLOCK 5, OF THE PLAT OF THE FRACTION "F" OF THE TOMAS DE LA VEGA 11 LEAGUE GRANT RECORDED IN VOLUME 111, PAGE 112 OF THE DEED RECORDS OF MCLENNAN COUNTY, TEXAS (D.R.M.C.T.) AND BEING PART OF THE REMAINDER OF BLOCK 5 CONVEYED TO THE UNITED STATES OF AMERICA IN DEED RECORDED IN VOLUME 490, PAGE 367 OF THE D.R.M.C.T.; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a set 5/8" iron rod with plastic cap stamped "Landesign" on the west line of Lot 1, Block 8, the existing east right-of-way line of Price Street as shown in Volume 111, Page 113 of the D.R.M.C.T. from which a found Type II Monument bears South 59°41'15" West 50.00 feet for the northeast corner of a tract of land described in deed to Catherine Porter recorded in Volume 1741, Page 237

THENCE North 30°18'45" West 127.54 feet with the west line of Lot 1, Block 8, west end of May Street, the west line of Lot 14, Block 8 and the existing east line of Price Street to a set 5/8" iron rod with Texas Department of Transportation (TxDOT) aluminum cap (Note 1) for the **POINT OF BEGINNING**;

- (1) THENCE North 30°18'45" West 16.38 feet with the west line of Lot 14, Block 5 and the existing east right-of-way line of Price Street to a set 5/8" iron rod with plastic cap stamped "Landesign" at the northwest corner of the remainder of Lot 14, Block 5, the southwest corner of a 1832 square foot Tract described in deed to the State of Texas recorded in Volume 1001, Page 480 of the D.R.M.C.T. and the existing east right-of-way line of Interstate Highway 35 (IH 35);
- (2) THENCE North 25°38'50" East 87.07 feet with the remainder of Block 5 and the existing east right-of-way line of IH 35 to a set 5/8" iron rod with plastic cap stamped "Landesign" at the north corner of the remainder of said United States of America Tract and the northwest corner of a Tract of land conveyed to the City of Waco in deed recorded in Volume 316, Page 371 of the D.R.M.C.T.;

- (3) THENCE North 60°35'52" East 28.15 feet through Block 5 with the north line of the remainder of said United States of America Tract and the west line of said City of Waco Tract to a set 5/8" iron rod with TxDOT aluminum cap on the proposed east right-of-way line of IH 35 and the beginning of an Access Denial Line;
- (4) THENCE South 26°52'14" West 119.34 feet through Block 5 with the proposed east right-of-way line of IH 35 and the Access Denial Line to the **POINT OF BEGINNING** and the end of the Access Denial Line;

This parcel contains 0.035 of an acre of land and 119.34 linear feet of Access Denial Line, out of the Thomas De Le Vega Grant, Abstract No. 43 in McLennan County, Texas.

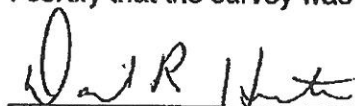
(Note 1) "The monument described as set in this call may be replaced with a Texas Department of Transportation Type II Right of Way Marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by Texas Department of Transportation."

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83 Datum and adjusted to the surface by project surface adjustment factor of 1.0000874.

Access is prohibited across the "Access Denial Line" to highway facility from the remainder of the abutting property.

A plat of even survey date herewith accompanies this property description.

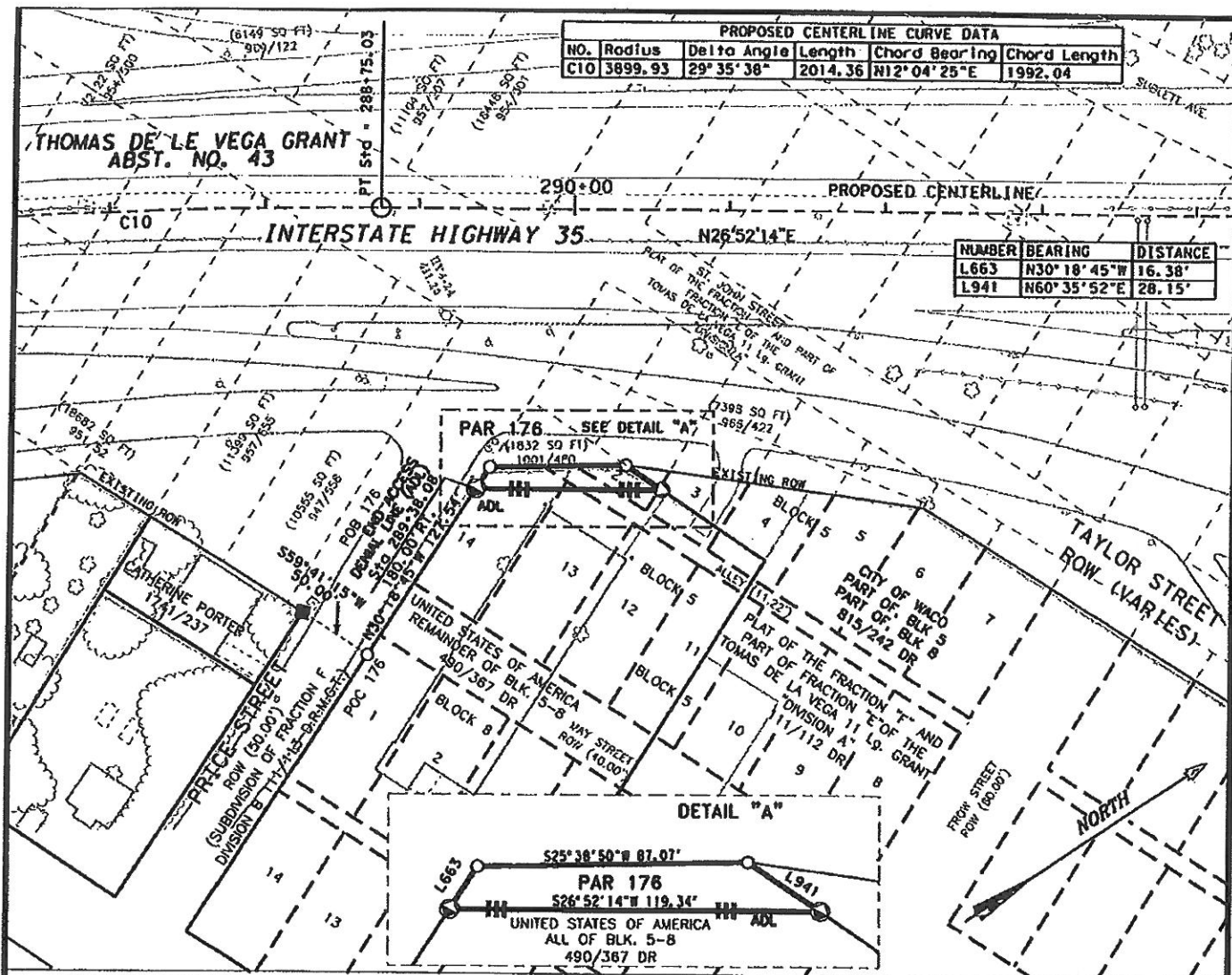
I certify that the survey was performed on the ground under my supervision.



David R. Hartman
Registered Professional Land Surveyor
State of Texas No. 5264

5/24/13
Date





SURVEY LEGEND

- ⊙ = SET 5/8" IRON ROD WITH ALUMINUM CAP STAMPED "TxDOT" (MAY BE REPLACED WITH TYPE II RIGHT-OF-WAY MARKER UPON COMPLETION OF CONSTRUCTION)
- ⊙ = SET 5/8" IRON WITH TxDOT ALUMINUM CAP STAMPED "CONTROL OF ACCESS POINT"
- = TYPE II MONUMENT SET
- = TYPE II MONUMENT FOUND
- ⊙ = 5/8" IRON ROD SET W/ "LANDESIGN" CAP UNLESS NOTED
- ⊙ = 5/8" IRON ROD SET W/ "TxDOT" CAP UNLESS NOTED
- = 1/2" IRON ROD FOUND UNLESS NOTED
- ⊙ = IRON PIPE FOUND
- Δ = CALCULATED POINT
- P = PROPERTY LINE
- C = CENTER LINE
- () = RECORD INFORMATION
- P.C. = POINT OF CURVATURE
- P.T. = POINT OF TANGENT
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- || = ACCESS DENIAL LINE

SCALE IN FEET



NOTES:

ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, WITH ALL DISTANCES AND COORDINATES BEING NAD 83 DATUM AND ADJUSTED TO THE SURFACE BY PROJECT SURFACE FACTOR OF 1.0000874.

ACCESS IS PROHIBITED ACROSS THE "ACCESS DENIAL LINE" TO HIGHWAY FACILITY FROM THE REMAINDER OF THE ADJUTING PROPERTY.

PROPERTY DESCRIPTION WITH SAME DATE WAS PREPARED WITH THIS PLAT.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

David R. Hartman 5/24/13

David R. Hartman
Registered Professional Land Surveyor, No. 5264, State of Texas



**LANDESIGN
SERVICES, INC.**

512-238-7001
555 ROUND ROCK WEST DR.
BUILDING D, SUITE 170
ROUND ROCK, TEXAS 78681

PARCEL: 176 ACRES 0.035
HIGHWAY: IH 35 COUNTY: McLENNAN
REVISED: 05/24/13
ROW CSJ: 0015-01-233 DATE: 12/03/12
SCALE: 1" = 100' SHEET: 3 of 3

PROJECT NAME: IH 35 LP 340 JOB NUMBER: 101-08-020